

Cp 386
1923

N.C. State Road Law

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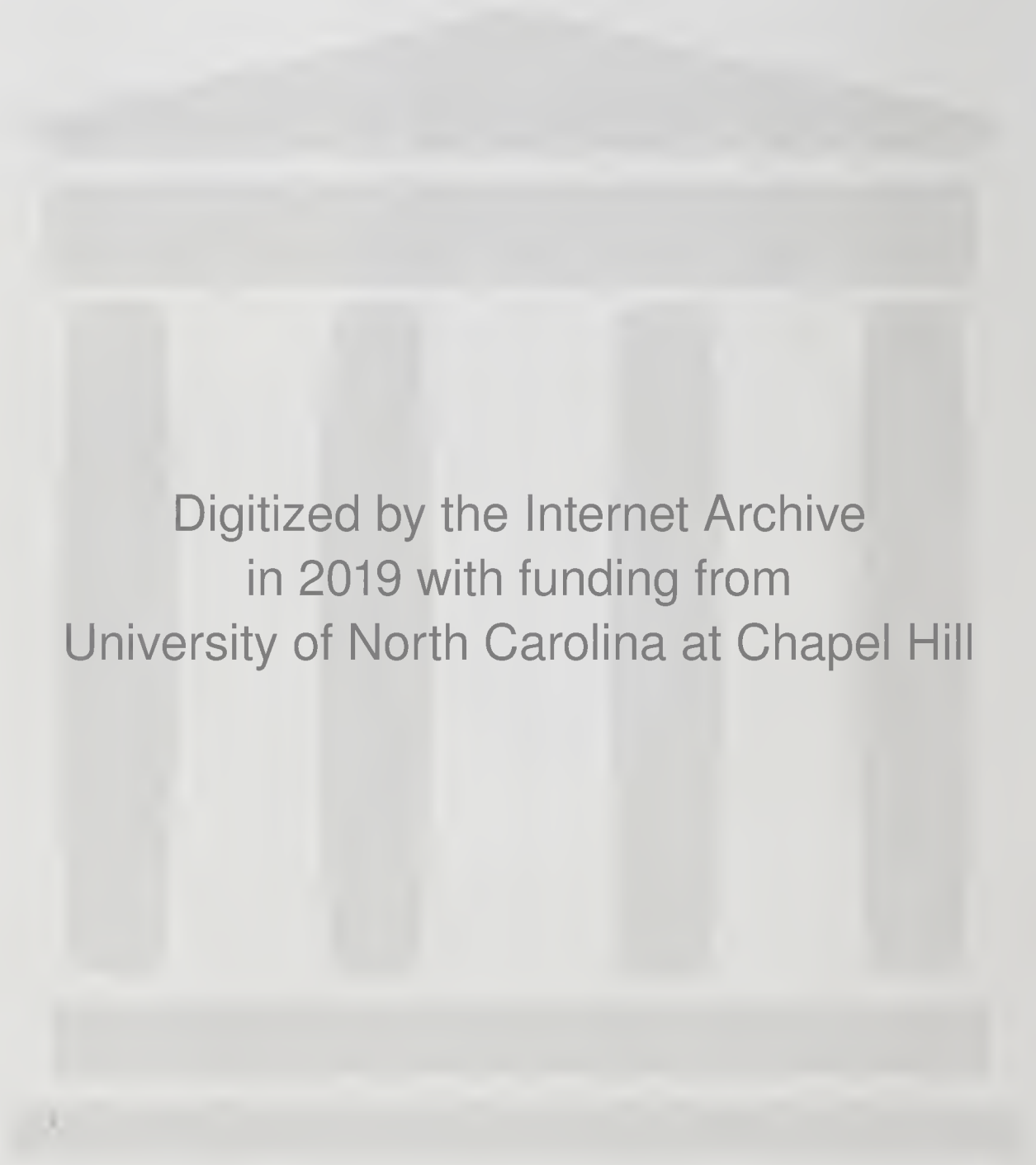
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NORTH CAROLINA

STATE ROAD LAW



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An act to provide for the construction and maintenance of a State System of Hard-surfaced and other dependable roads connecting by the most practicable routes the various county-seats and other principal towns of every county in the State for the development of agriculture, commercial and industrial interests of the State, and to secure benefits of Federal Aid therefor, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-nine of the Public Laws of North Carolina, session one thousand nine hundred and nineteen, be amended so as to hereafter read as follows:

GENERAL PURPOSES OF THE ACT

SEC. 2. The general purposes of this act are for the State to lay out, take over, establish and construct, and assume control of approximately 5,500 miles of hard-surfaced and other dependable highways running to all county-seats, and to all principal towns, State parks, and principal State institutions, and linking up with State highways of adjoining states and with National highways into National Forest Reserves by the most practicable routes, with special view of development of agriculture, commercial, and natural resources of the State, and for the further purpose of permitting the State to assume control of the State highways, repair, construct, and reconstruct and maintain said highways at the expense of the entire State, and to relieve the counties and cities and towns of the State of this burden.

General purposes of act.

Mileage contemplated.

Control of State highways.
Repair and maintenance of highways.

PURPOSE AND INTENT OF ACT—HARD-SURFACED ROADS AND MAINTAINING SAME

SEC. 3. That the purpose and intent of this act is to establish a system of State highways for the State, hard-surfacing said highways as rapidly as possible, and maintaining the entire system of said highways in the most approved manner as outlined in this act. Work on the various links in the State highway system shall be of such a character as will lead to ultimate hard-surfaced construction as rapidly as money, labor, and materials will permit, and to a State system of durable hard-surfaced, all-weather roads, connecting the various county-seats, principal towns, and cities.

System of State highways.
Hard-surfacing.

Work leading to hard-surfaced construction.

State system.

Localities connected.

ESTABLISHMENT OF THE COMMISSION

SEC. 4. That a State Highway Commission is hereby created, to consist of a chairman from the State at large, who shall be a

State Highway Commission.
Chairman.

Commissioners.	practical business man, and who shall be known as the State Highway Commissioner; and nine (9) commissioners, one from each construction district as hereinafter designated, three of whom shall be of the minority political party, one for each of the three terms, all to be appointed by the Governor, such appointments to be confirmed by the Senate. The State Highway Commissioner of the existing Highway Commission and all other commissioners whose terms do not expire on April first, one thousand nine hundred and twenty-one, shall hold office during their present unexpired terms. At the expiration of the present term of the chairman, and any commissioner whose term has not expired, his successor shall be appointed by the Governor for a period of six years, such appointment to be confirmed by the Senate. That two of said commissioners shall be appointed for two years from April first, one thousand nine hundred and twenty-one; three of said commissioners shall be appointed for four years from April first, one thousand nine hundred and twenty-one; three of said commissioners shall be appointed for six years each, such appointments to be confirmed by the Senate: <i>Provided</i> , that any commissioner appointed or elected under this act may be removed by the Governor for cause. In case of the death, resignation, or removal from his district of any commissioner during his term of office, his successor shall be appointed by the Governor from the same construction district and from the same political party in which the vacancy occurs to fill out his unexpired term, such appointment to be confirmed by the next Senate. At the expiration of the term of the chairman, and the various commissioners, their successors shall be appointed by the Governor for a term of six years each, such appointments to be confirmed by the Senate. The State Highway Commissioner shall devote his entire time and attention to the work of the commission and receive as compensation and salary therefor fifty-five hundred dollars (\$5500) per annum, payable monthly, and his actual traveling expenses when engaged in the discharge of his duties. Said State Highway Commissioner shall be vested with all the authority of said commission when same is not in session. The members of the State Highway Commission, other than the chairman of the commission, shall each receive ten dollars (\$10) per day while engaged in the discharge of the duties of their office, and their actual traveling expenses. The headquarters and main office of the State Highway Commission shall be located at the State Capitol. The members of the said commission, at their first meeting, shall organize and adopt a common seal; they shall keep minutes of their meetings, which shall be open to public inspection; they shall have the power to adopt and enforce rules and regulations for the government of their meetings and proceedings, and for the transaction of the business of the commission; and shall have the power and
Political affiliations.	
Appointment.	
Confirmation of appointment.	
Present commissioners to fill out terms.	
Appointment of successors.	
Confirmation.	
Terms of office.	
Proviso:	
Removal for cause.	
Vacancies.	
Appointment of successors.	
Confirmation.	
State Highway Commissioner to devote entire time to work.	
Salary.	
Expenses.	
Authority vested.	
Pay of members other than chairman.	
Location of main office.	
Commission to organize and adopt seal.	
Minutes of meetings.	
Minutes open for inspection.	
Rules of order.	

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authority to make all rules and regulations for carrying out the true intent and purposes of this act. They shall meet at the offices of the commission at such regular times, not less than quarterly, as they may by rule provide, and may hold special meetings at any time and place at the call of the chairman, or any five members. The first meeting of the commission shall be at the call of the Governor as soon as practicable after the ratification of this act.

Rules and regulations for carrying out act.
Meetings.
Special meetings.
Call for first meeting.

STATE HIGHWAY ENGINEER AND OTHER EMPLOYEES

SEC. 5. The said commission, at its first meeting or as soon thereafter as practicable, shall employ a State Highway Engineer, who shall be a competent civil engineer, qualified by technical training as well as practical construction experience in highway work. The engineer shall hold office during the pleasure of the commission, but not to exceed a period of four years without reappointment. He shall receive an annual salary to be fixed by the State Highway Commission, approved by the Governor, payable in monthly installments, together with such actual and other necessary expenses as may be incurred in the official discharge of his duties. Said commission shall prescribe and fix the duties of the engineer, and shall provide the engineer with offices and sufficient equipment to discharge his duties as prescribed by the State Highway Commission and this act. The commission shall employ such other engineers, clerks, and assistants as may be needed, and at such salaries and for such terms as appear necessary, and prescribe and fix their duties. In the discretion of the commission, such offices may be established in the construction districts as may be necessary to carry out the provisions of this act.

State Highway Engineer.
Qualifications.
Term of office.
Salary.
Commission to prescribe duties.
Offices and equipment.
Engineers, clerks, and assistants.
Offices in construction districts.

OATH AND BONDS OF COMMISSIONERS AND ENGINEERS

SEC. 6. The members of the State Highway Commission and State Highway Engineer shall each, before entering upon the discharge of his duties, take an oath that he will faithfully and honestly execute the duties of the office during his continuance in office, and each give a bond, to be fixed and approved by the Governor, conditioned upon the faithful discharge of the duties of his office and the full and proper accounting for all public funds and property coming into his possession or under his control. The premium on said bond or bonds shall be paid out of the State Highway Fund.

Members of commission and engineer to qualify.
Official bond.
Premium on bonds.

FIVE THOUSAND FIVE HUNDRED MILES (APPROXIMATE) TAKEN OVER FOR THE STATE HIGHWAY SYSTEM—METHOD

SEC. 7. Fifty-five hundred (5500) miles shall be the approximate maximum limit of mileage of the State highway system.

Maximum mileage.

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Roads mapped.	The designation of all roads comprising the State highway system as proposed by the State Highway Commission shall be mapped, and there shall be publicly posted at the courthouse door in every county in the State a map of all the roads in such county in the State system, and the board of county commissioners or county road-governing body of each county, or street-governing body of each city or town in the State shall be notified of the routes that are to be selected and made a part of the State system of highways; and if no objection or protest is made by the board of county commissioners or the county road-governing body of any county, or street-governing body of any city or town in the State within sixty days after the notification before mentioned, then and in that case the said roads or streets, to which no objections are made, shall be and constitute links or parts of the State highway system. If any objections are made by the board of county commissioners or county road-governing body of any county or street-governing body of any city or town, the whole matter shall be heard and determined by the State Highway Commission in session, under such rules and regulations as may be laid down by the State Highway Commission, notice of the time and place of hearing to be given by the State Highway Commission at the courthouse door in the county, and in some newspaper published in the county, at least ten days prior to the hearing, and the decision of the State Highway Commission shall be final. A map showing the proposed roads to constitute the State highway system is hereto attached to this bill and made a part hereof. The roads so shown can be changed, altered, added to or discontinued by the State Highway Commission: <i>Provided</i> , no roads shall be changed, altered or discontinued so as to disconnect county-seats, principal towns, State or National parks or forest reserves, principal State institutions, and highway systems of other states.
Maps posted in counties.	
Local road officials notified of route.	
Roads or streets part of system in default of objection.	
Hearing on objections.	
Notice of hearing.	
Decision of commission final. Map attached.	
Changes by commission.	
Proviso: Limitation on powers of change.	
Rights of way. Proviso: Toll roads.	

COMMISSION ASSUMING CONTROL

Commission to begin assumption of control.	SEC. 8. Within sixty days after the ratification of this act, the State Highway Commission shall commence to assume control of the various links of road constituting the State highway system, and shall complete the assumption of control of all the roads which constitute the State highway system as rapidly as practicable.
Completion of assumption of control.	
Standard designs for marking roads constituting system.	SEC. 9. (a) After the selection of a part or parts of the State highway system, the commission may cause roads, comprising such system, including connecting streets in incorporated towns and cities, to be distinctly marked with some standard design

placed on convenient objects along such routes. Such design shall be uniform on all parts of the State highway system, except that the numbers thereon shall correspond with the numbers given the various routes by the commission, which numbers shall coincide with the numbers placed on the official map or maps issued by the commission. No similar design shall be used for marking other routes in North Carolina.

Uniformity of design.

Use of design on other routes forbidden.

GUIDE AND WARNING SIGNS

(b) After selection of State highways before mentioned, the commission may cause to be erected such standard guide or warning signs as it may deem necessary along the State highway system. Such signs shall be of uniform design throughout the State, and it shall be unlawful for any person to erect or display any other guide or warning signs upon said highway except in case of emergency, or with the approval of the commission, and, if erected without such approval they may be removed by the commission, and any violator of this section shall be subject to all penalties hereinafter provided.

Guide and warning signs.

DIRECTING SIGNS

(c) After taking over section or sections of the State highway system, the commission may erect proper and uniform signs directing persons to roads and places of importance.

Guide posts.

(d) Said commission shall have the power to control all signs within the right of way of State highways.

Signs on right of way.

POWERS OF STATE HIGHWAY COMMISSION

SEC. 10. The said State Highway Commission shall be vested with the following powers:

Powers vested in commission.

(a) The general supervision over all matters relating to the construction of the State highways, letting of contracts therefor, and the selection of materials to be used in the construction of State highways under the authority of this act.

Supervision of matters of construction, letting of contracts, and selecting materials.

(b) To take over and assume exclusive control for the benefit of the State of any existing county or township roads, and to locate and acquire rights of way for any new roads that may be necessary for a State highway system, with full power to widen, relocate, change or alter the grade or location thereof; to change or relocate any existing roads that the State Highway Commission may now own or may acquire; to acquire by gift, purchase, or otherwise, any road or highway, or tract of land or other property whatsoever that may be necessary for a State highway system; *Provided*, that nothing in this act shall be construed to authorize or permit the Highway Commission to allow or pay anything to any county, township, city or town,

To take over county or township roads. Location and rights of way.

Alterations.

Acquirement of roads necessary to State system.

Proviso: No allowance or pay for existing bonds but by prior contract.

or to any board of commissioners or governing body thereof, for any existing road or part of any road heretofore constructed by any such county, township, city or town, unless contract has already been entered into with the State Highway Commission.

Procurement of material.

(c) To provide for such road materials as may be necessary to carry on the work of the State Highway Commission, either by gift, purchase, or condemnation.

Enforcement of rights.

(d) To enforce by mandamus or other proper legal remedies all legal rights or causes of action of the State Highway Commission with other public bodies, corporations, or persons.

To make regulations for protection of roads.

(e) To make rules, regulations and ordinances for the use of, and the police traffic on, the State highways, and to prevent their abuse by individuals, corporations and public corporations, by trucks, tractors, trailers or other heavy or destructive vehicles or machinery, or by any other means whatsoever, and to provide ample means for the enforcement of same, and the violations of any of the rules, regulations or ordinances so prescribed by the State Highway Commission shall constitute a misdemeanor: *Provided*, no rules, regulations or ordinances shall be made that will conflict with any statute now in force or any ordinance of incorporated cities or towns.

Violation thereof a misdemeanor.

Traffic census.

(f) To establish a traffic census to secure information about the relative use, cost, value, importance, and necessity of roads forming a part of the State highway system, which information shall be a part of the public records of the State, and upon which information the State Highway Commission shall, after due deliberation and in accordance with these established facts, proceed to order the construction of the particular highway or highways.

Action based on census.

Responsibility for maintenance.

(g) To assume full and exclusive responsibility for the maintenance of all roads other than streets in towns and cities, forming a part of the State highway system from date of acquiring said roads: *Provided*, the commission may enter into contracts with counties as to the maintenance of highways which shall form a part of the State highway system. The State Highway Commission shall have authority to maintain all streets constructed by the State Highway Commission in towns of less than three thousand population by the last census, and such other streets as may be constructed in towns and cities at the expense of the State Highway Commission, whenever in the opinion of the State Highway Commission it is necessary and proper so to do.

Proviso:
Contracts with counties.

Maintenance of streets.

Names for highways.

(h) To give suitable names to State highways and change the names of any highways that shall become a part of the State system of highways.

Cooperation with local authorities, organizations, and individuals for adornment and protection of highways.

(i) To cooperate with municipal or county authorities, civic bodies and individuals in the proper selection, planting and protection of roadside trees, shrubs and vines for the beautification and protection of said highways.

(j) To make proper and reasonable rules, regulations and ordinances for the placing or erection of telephone, telegraph or other poles, sign boards, fences, gas, water, sewerage, oil, or other pipe lines, and other similar obstructions that may in the opinion of the said Highway Commission contribute to the hazard upon any of the said highways or in any wise interfere with the same, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the said Highway Commission shall require the removal of or changes in, the location of telephone, telegraph, or other poles, sign boards, fences, gas, water, sewerage, oil, or other pipe lines, or other similar obstructions, the owners thereof shall at their own expense move or change the same to conform to the order of the said Highway Commission. Any violation of such rules and regulations or non-compliance with such orders, shall constitute a misdemeanor.

Removal of telephone poles, signs, and other obstructions.

Non-compliance a misdemeanor.

(k) To regulate, abandon and close to use, grade crossings on any road designated as part of the State highway system, and whenever a public highway has been designated as part of the State highway system and the State Highway Commission, in order to avoid a grade crossing or crossings with a railroad or railroads continues or constructs the said road on one side of the railroad or railroads, the Commission shall have power to abandon and close to use such grade crossings; and whenever an underpass or overhead bridge is substituted for a grade crossing, the commission shall have power to close to use and abandon such grade crossing and any other crossings adjacent thereto.

Abandonment of grade crossings.

FEDERAL AID

(l) That the said State Highway Commission shall have such powers as are necessary to comply fully with the provisions of the present or future Federal Aid Acts. The said commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, construction, improvement and maintenance of roads under the provisions of the present or future Congressional enactments, to submit such scheme or program of construction or improvement and maintenance as may be required by the Secretary of Agriculture or otherwise provided by Federal Acts, and to do all other things necessary to carry out fully the coöperation contemplated and provided for by present or future acts of Congress, for the construction or improvement and maintenance of rural post roads. The good faith and credit of the State are further hereby pledged to make available funds necessary to meet the requirements of the acts of Congress, present or future, appropriating money to construct and improve rural post roads and apportioned to this State during each of the years for which Federal funds are now or may here-

Compliance with Federal acts.

Contracts with Federal Government.

Plans to be submitted.

Pledge of available funds to meet Federal requirements.

Pledge to maintain roads built with Federal aid.	after be apportioned by the said act or acts, to maintain the roads constructed or improved with the aid of funds so appropriated and to make adequate provisions for carrying out such construction and maintenance. The good faith and credit of the State are further pledged to maintain such roads now built with Federal aid and hereafter to be built and to make adequate provisions for carrying out such maintenance.
Detours pending construction.	SEC. 11. It shall be mandatory upon the State Highway Commission, its officers and employees, or any contractor or subcontractor employed by the said commission, to select, lay out, maintain and keep in as good repair as possible suitable detours by the most practical route while said highways or roads are being improved or constructed, and it shall be mandatory upon the said
Explicit directions during repairs.	Highway Commission, and its employees or contractors, to place or cause to be placed explicit directions to the traveling public during repair of said highway or road under the process of construction. All expense of laying out and maintaining said detours shall be paid out of State Highway Fund.
Expenses of detours.	

CLOSING OF STATE HIGHWAYS DURING CONSTRUCTION, INJURY TO BARRIERS, WARNING SIGNS. ETC.

Closing roads during construction.	SEC. 12. If it shall appear necessary to the State Highway Commission, its officers, or appropriate employees, to close any road or highway coming under its jurisdiction so as to permit of proper completion of work which is being performed, such commission, its officers or employees, may close, or cause to be closed, the whole or any portion of such road or highway deemed necessary to be excluded from public travel. While any such road or highway, or portion thereof, if so closed, or while any such road or highway, or portion thereof, is in process of construction or maintenance, such commission, its officers or appropriate employees, or its contractor, under authority from such commission, may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion thereof, is closed, warning signs, lights and lanterns on such road or highway, or portions thereof. When such road or highway is closed to the public or in process of construction or maintenance, as provided herein, any person who willfully breaks down, drives into new construction work, removes, injures or destroys any such barrier or barriers or obstructions on road being constructed, or tears down, removes or destroys any such notices, drives into new construction work, or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted or placed, shall be guilty of a misdemeanor.
Barriers.	
Notice of closure.	
Warning signs.	
Acts declared misdemeanor.	

REGULATING OPENINGS, STRUCTURES, PIPES, TREES, ETC., ON THE
STATE HIGHWAYS, AND THE ISSUANCE OF PERMITS

SEC. 13. No opening or other interference whatsoever shall be made in any State road or highway other than streets in cities and towns, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or removed except in accordance with a written permit from the State Highway Commission or its duly authorized officers, who shall exercise complete and permanent control over such roads and highways. No State road or State highway, other than streets in cities and towns, shall be dug up for laying or placing pipes, conduits, sewers, wires, railways, or other objects, and no tree or shrub in or on any State road or State highway shall be planted, trimmed, or removed, and no obstruction placed thereon, without a written permit as hereinbefore provided for, and then only in accordance with the regulations of said Highway Commission or its duly authorized officers or employees; and the work shall be under the supervision and to the satisfaction of the State Highway Commission or its officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons, firms, or corporations to whom the permit is given, or by whom the work is done; the State Highway Commission, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this act, require the applicant to file a satisfactory bond, payable to the State of North Carolina, in such an amount as may be deemed sufficient by the State Highway Commission, or its duly authorized officers, conditioned upon the proper compliance with the requirements of this act by the person, firm, or corporation granted such permit. Any person making any opening in a State road or State highway, or placing any structure thereon, or changing or removing any structure thereon without obtaining a written permit as herein provided, or not in compliance with the terms of such permit, or otherwise violating the provisions of this act, shall be guilty of a misdemeanor: *Provided*, this section shall not apply to railroad crossings. The railroads shall keep up said crossings as now provided by law.

Openings in roads or highways.

Structures.

Excavations.

Grass, shrubs or obstructions.

Supervision of work.

Expense of replacement.

Applicant to give bond if required.

Acts declared misdemeanors.

Proviso: Railroad crossings.

TO ENCOURAGE COUNTY ROAD BUILDING

SEC. 14. To encourage counties to build hard-surfaced or other dependable roads constituting a part of the State highway system before same can be constructed by the State Highway Commission, the said commission is hereby authorized and empowered to enter into contracts and agreements with said county or counties

Contracts with counties for reimbursement.

Proviso:
Building under
direction of State
Commission.

for fair reimbursement for said expense: *Provided*, said road or bridge is built in accordance with the specifications and under the direction of the State Highway Commission.

Contracts let to
bidders after
advertisement.

SEC. 15. That all contracts over one thousand dollars that the commission may let for construction, or any other kinds of work necessary to carry out the provisions of this act, shall be let, after public advertising, under rules and regulations to be made and published by the State Highway Commission, to a responsible bidder, the right to reject any and all bids being reserved to the State Highway Commission.

Right to reject
bids.

Claims against
contractor for
material to be
presented within
six months.

Whenever any contractor engaged in working upon the State highway, and under contract with the State Highway Commission, shall incur liability for labor, material or other cause, and for which such contractor, or his bondsmen, may be liable, all such claims shall be presented in writing to said commission within six months after the completion of said work, and failure to file such claim within said time shall be a complete bar against recovery from said commission or any bondsmen: *Provided*, that this section shall not be in force and effect until six months from the ratification of this act.

Towns may
widen streets.

SEC. 16. That when any portion of the State highway system shall run through any city or town and it shall be found necessary to connect the State highway system with improved streets of such city or town as may be designated as part of such system, the State Highway Commission shall build such connecting links, the same to be uniform in dimensions and materials with such State highways: *Provided*, however, that whenever any city or town may desire to widen its streets, which may be traversed by the State highway, the State Highway Commission may make such arrangements with said city or town in connection with the construction of said road, as, in its discretion, may seem wise and just under all the facts and circumstances in connection therewith: *Provided, further*, that such city or town shall save the State Highway Commission harmless from any claims for damage arising from the construction of said road through such city or town and including claims for rights of way, change of grade line, and interference with public service structures. And the State Highway Commission may require such city or town to cause to be laid all water, sewer, gas or other pipe lines or conduits, together with all necessary house or lot connections or sewers, to the curb line of such road or street to be constructed: *Provided, further*, that whenever by agreement with the road-governing body of any city or town any street designated as a part of the State highway system shall be surfaced by order of the State Highway Commission at the expense, in whole or in part, of a city or town, it shall be lawful for the governing body of such city or town to declare an assess-

Towns to save
commission harm-
less from claims.

May cause pipe
lines to be laid.

Assessment dis-
tricts declared.

ment district as to the street to be improved, without petition by the owners of property abutting thereon, and the costs thereof, exclusive of so much of the cost as incurred at street intersections and the share of railroads or street railways whose tracks are laid in said street, which shall be assessed, under their franchises, shall be specially assessed upon the lots or parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon by an equal rate per foot of such frontage.

Special
assessments.

WORKING OF STATE CONVICTS

SEC. 17. That all able-bodied male convicts sentenced to the State Prison may be assigned to work upon the State highway system under the direction of the State Highway Commission. That the cost or hire of the able-bodied male convicts to the State Highway Commission shall be agreed upon between the State Highway Commission and the Governor and chairman of the Prison Board, on the basis of paying the actual expenses in working said convicts, including food, clothing, housing, guarding, transportation and incidental expenses by the State Highway Commission to the State Prison Board.

State convicts may
be assigned to
work.

Agreement for
hire.

Basis of agree-
ment.

WORKING OF COUNTY CONVICTS

SEC. 18. That the State Highway Commission may make contracts and agreements with the board of county commissioners or road-governing bodies of any county in the State for the purpose of hiring any county convicts to be worked on the State highway system or in the production of materials for use in constructing State highways, and for constructing State highways.

Contracts with
counties for hire
of convicts.

GRADE CROSSINGS ELIMINATED

SEC. 19. Whenever any railroad and a State highway or street which is a link in or a part of the State highway system shall cross each other at the same level, and, if, after due notice to the railroad and a hearing, in the judgment of the State Highway Commission, such crossing is dangerous to public safety, or the public travel on such highway is unreasonably impeded thereby, the State Highway Commission may order the person or company operating such railroad within such time as the State Highway Commission may fix, to alter such crossing according to the plans to be approved by said commission, by substituting therefor a crossing, not at the grade of such public highway, either by carrying such public highway under or over the tracts of such railroad. If, however, in the judgment of the State Highway Commission, the safety of travellers may be secured by the erection of gates, alarm signals, or other

Elimination of
grade crossings by
substitution of
over- or under-
pass.

Installation of
safety devices.

approved safety devices, then said commission may require the railroad or railroads to construct and maintain such safety devices in lieu of the overpass or the underpass.

Participation in
construction cost
by railroad.

The work shall be done and material furnished either by the railroad or the State Highway Commission, as may be agreed upon, and, in case of an underpass, the railroad shall be responsible for one-half of the expense of all excavations through the existing railroad fill as well as one-half of the complete cost of the structure, including both the foundation and superstructure; and, in case of an overpass, the railroad shall be responsible for one-half of the entire cost of the bridge which will stand the opening over the tracks of the railroad from abutment to abutment, and including such abutments, and if the grade crossing is not eliminated by an underpass or overpass, the railroad company shall be responsible for one-half of the cost of installing gates, alarm signals or other approved safety devices. If the work is done and material furnished by the railroad, an itemized statement of the total amount expended therefor shall, at the completion of the work, be furnished the State Highway Commission, and the commission shall pay such amount to the railroad as may be shown on said statement after deducting the amount for which the railroad is responsible; and if the work is done by the State Highway Commission, an itemized statement of the total amount expended shall be furnished to the railroad and the railroad shall pay to the State Highway Commission such part thereof as the railroad may be responsible for as herein provided, such payment by the railroad shall be under such rules and regulations and by such method as the State Highway Commission may provide.

Notice to
railroads.

Highway Commis-
sion may
construct.

Accounting to
railroad.

Whenever, in the judgment of the State Highway Commission, a grade crossing shall be abolished by the construction either of an underpass or an overpass, or the erection of safety devices, if the work is to be done by the railroad, or railroads, as herein provided, the said commission shall give the railroad, or railroads, notice of its determination in this regard, and direct it or them to commence work upon such underpass or overpass, or device, within a period to be fixed in such notice, and if such work is not commenced in the period specified in the notice, the State Highway Commission is authorized and empowered to carry such highway under or over the tracks of said railroad or to provide gates, alarm signals or other approved safety devices, rendering to the railroad, or railroads, an itemized account of the cost thereof, and at the completion of the work shall have a valid cause of action against such railroad, or railroads, for the proportionate part thereof due by the railroad as above provided: *Provided*, that the payment by such railroad of said proportionate part may be made under such rules and

location of bridge above
Murfreesboro. Upper location
is about 1 1/2 mile by river
above present bridge & about 3
mi by highway from end of
bridge on left side of river
N. or Murfreesboro side.

Objections to new location:
1. from view pt of boat line
the lessor traffic of boat line
because not remove sources of
traffic, i.e. the farms, farm prod-
ucts & supplies for farms with
up bank of traffic; we divert
this traffic to ~~Boat~~ coming on
Roanoke & Tor River branch of
Seaboard; the Indian New York
at New bridge - ~~Seaboard~~
at present

Lesson 2 of the 2nd night
induced with frame of line, so as
central to the purpose:
If ultimately boat terminal should
be moved to new bridge, may
give to the purpose

2 objects from page 2
purpose. Since page 2
town is near present bridge
focus cannot be taken as
just to present bridge

afternoon visited approach to
bridge at upper location on
left on Mississippi side of
River. Bay on river bank
& land a distance of about $\frac{1}{2}$
mi. through cypress swamp to
high water; there through cul-
verts from of J. S. Nunn
about $\frac{3}{4}$ mi. from high water
mark to highway 15 mi or so old
Baykins road.

Present bridge, making the
across river, is about 300
yards long —, about $\frac{1}{3}$ or
less as approach to upper
bay on left hand side. It
may be high water mark but is large one
high water mark to present
bridge on left or Mississippi
side for no disadvantages

2 apt to turn approval
and down here. decline is
or grade is no greater than
upper location

seems to
Ponsue bridge ~~was in use~~

Since ~~along~~ ^{about 30 or 40}
some bridge ~~the~~ ^{since} ~~was~~ ^{was} ~~built~~
YMAA ^{that} ~~turn~~ ^{local}
then because of bridge.

Community turn & rural
section has adjusted to self
to ponsue location.
Ponsue location is satisfactory
to turn & country, except
a few (say 3) who are ~~not~~
not by self & considerable

regulations and by such method as the State Highway Commission may provide. If the State Highway Commission shall undertake to do the work, it shall not obstruct or impair the operation of the railroad and shall keep the roadbed and tracks safe for the operation of trains at every stage of the work.

(a) The jurisdiction over and control of grade crossings and safety devices upon the State highway system herein given the State Highway Commission shall be exclusive. Jurisdiction exclusive.

(b) From all decisions or determinations made by the State Highway Commission, any party affected thereby shall be entitled to an appeal, and the procedure for such an appeal shall be the same as provided in chapter twenty-one, Consolidated Statutes, for appeals from decisions and determinations of the Corporation Commission. Appeal from decisions of Commission.

MAINTENANCE, UPKEEP, AND CONTROL

SEC. 20. In assuming control of the roads constituting the State highway system, the commission shall assume as soon as practicable the maintenance and upkeep of said roads, and shall as soon as practicable organize a proper and sufficient patrol force to keep said roads in good condition. In the event of failure to maintain said roads in good condition, upon complaint of the board of county commissioners, or road-governing body of any county, the State Highway Commission shall at once investigate such complaint, and if the same be well founded, then it shall at once order the repair and maintenance of the road complained of, and investigate the neglect of the person in charge of the road so complained of, and, if upon investigation the person or persons in charge of the road complained of be at fault, he may promptly be discharged from the service of the commission. Maintenance and upkeep. Patrol force. Complaint by county authorities. Investigation of complaint. Order for repair and maintenance. Investigation of neglect. Dismissal of delinquent employee.

EMPLOYMENT OF COUNSEL

SEC. 21. The State Highway Commission may in its discretion employ any attorney or attorneys to advise them for the purpose of condemning land acquired by this act, making any contracts, and do other legal work that the commission may believe necessary for carrying out this act, and compensation for all such services shall be paid out of the State Highway Fund. Employment of counsel. Compensation.

SEC. 22. The State Highway Commission is vested with the power to acquire such rights of way and title to such land, gravel, gravel beds, or bars, sand beds or bars, rock, stone, boulders, quarries, or quarry beds, lime, or other earth or mineral deposits or formations, and such standing timber as it may deem necessary and suitable for road construction, maintenance, and repair, and the necessary approaches and ways through, and a sufficient amount of land surrounding and adjacent thereto, as it may de- Acquirement of lands and deposits of material.

Purchase, donation, or condemnation.
Proviso:
Deposits of material in actual use.

Land additional to rights of way.

Power to condemn land, material, and timber.

Procedure.

General and special benefits considered as offsets.

Entry prior to condemnation and payment.

Deposit on appeals not required.

Use of property pending appeal.

termine to enable it to properly prosecute the work, either by purchase, donation, or condemnation, in the manner hereinafter set out: *Provided*, that the right of condemnation provided for in this act shall not apply to gravel beds or bars, sand beds or bars, rock, stone, boulders, quarries, or quarry beds, lime, or other earth, or mineral deposits or formations, in actual bona fide operation for commercial purposes by private enterprise. The State Highway Commission is also vested with the power to acquire such additional land alongside of the rights of way or roads as in its opinion may be necessary and proper for the protection of the roads and roadways, and such additional area as may be necessary as by it determined for approaches to and from such material and other requisite area as may be desired by it for working purposes.

Whenever the State Highway Commission and the owner or owners of the lands, materials, and timber required by the State Highway Commission to carry on the work as herein provided for, are unable to agree as to the price thereof, the State Highway Commission is hereby vested with the power to condemn the lands, materials, and timber, and in so doing the ways, means, methods, and procedure of chapter thirty-three of the Consolidated Statutes of North Carolina, entitled "Eminent Domain," shall be used by it as near as the same is suitable for the purposes of this act. And in all instances the general and special benefits shall be assessed as offsets against the damages: *Provided*, that all actions for damages for rights of way or other causes, shall be commenced within six months from the completion of each particular project.

In case condemnation shall become necessary the State Highway Commission is authorized to enter the lands and take possession of the same, and also take possession of such materials and timber as is required by it prior to bringing the proceeding for condemnation, and prior to the payment of the money for the said property.

In the event the owner or owners shall appeal from the report of the commissioners, it shall not be necessary for the State Highway Commission to deposit the money assessed with the clerk, but it may proceed and use the property to be condemned until the final determination of the action.

REPORTS TO THE STATE

Reports to General Assembly. Details of report.

SEC. 23. The Highway Commission shall, on or before the tenth day of the convening of each regular session of the General Assembly of North Carolina, make full printed, detailed report to the General Assembly, showing the construction and maintenance work and the cost of the same, receipts of license fees, and disbursements of the commission, and such other data as may be

of interest in connection with the work of the Highway Commission. A full account of each road project shall be kept by and under the direction of the Highway Commission or its representatives, to ascertain at any time the expenditures and the liabilities against all projects; also records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor or road authorities of any county, or their authorized representatives, and copies thereof shall be furnished such officials upon request.

Accounts of each project.

Inspection of accounts, records, and documents.
Copies to officials.

SEC. 24. That the books and accounts of the Highway Commission shall be audited at least once a year by a certified public accountant to be designated by the Auditor of the State, and report of certified accountant shall be made a part of the accompanying report of the State Highway Commission to the General Assembly as herein provided.

Annual audits.
Report of audit part of report of commission.

CONSTRUCTION DISTRICTS

SEC. 25. That with the special view of an equitable distribution of the construction funds throughout all portions of the State, the State shall be divided into nine (9) construction districts, the same being designated and indicated on the map hereto attached to this act, and work in each of the construction districts shall be started as simultaneously as practicable and continued so in each district. The commission may change, reform, and relocate the lines of said construction districts.

Nine construction districts.

Work in districts simultaneous.

Change of districts.

APPORTIONMENT OF FUNDS TO CONSTRUCTION DISTRICTS

SEC. 26. The State Highway Commission shall apportion among the various construction districts as nearly as possible an equal amount of the construction fund on the basis of one-third in the ratio of area of each district to the entire area of the State, one-third in the ratio of population of the districts, as determined by the last United States census, to the entire population of the State, and one-third in the ratio of the State highway mileage of the district in proportion to the total mileage of State highways.

Ratio of apportionment of road construction fund.

SEC. 27. That for the purpose of carrying out the provisions of this act and provide for the maintenance and construction of the highways contemplated under this act from the funds derived from the various taxes levied under this act, there shall first be set aside the sum of two hundred and fifty thousand dollars (\$250,000) annually, or so much thereof as may be necessary to defray the expenses of the State Highway Commission. From the remainder of said taxes there shall then be set aside annually the following, in order named: (a) a sum sufficient to pay the interest upon the first fifty million dollars bonds issued under

Appropriation for expenses of commission.

Appropriation for interest on bonds.

Balance for maintenance of highways.

Surplus of administration and interest funds to maintenance and construction fund.

Fund for securing Federal aid.

Proviso: Expense of collecting funds.

Approval of expenses. Limit of amount.

this act, (b) a sum sufficient to pay the interest upon any bonds issued under this act in excess of fifty million dollars, and (c) any interest or sinking fund payments now or hereafter directed to be made therefrom by the General Assembly. The remainder of such fund shall be used by the Highway Commission in the maintenance of the highways taken over under the provision of this act, and to be adopted and designated by the commission as State highways under the provisions of this act; any part of the two hundred and fifty thousand dollars (\$250,000) set apart for the expenses of the commission, and any part of the balance unexpended in the payment of interest on the bonds, shall pass each year under the control of the Highway Commission and be used by it in the maintenance and construction of the State system of highways herein provided for. All funds derived from the taxes herein levied, or from the sale of the bonds herein provided for, may be used by the commission in meeting the requirements of the United States Government as to Federal aid: *Provided*, that all necessary expenses of collecting the said license or registration fees or other State highway funds hereinafter provided for, including clerical assistance, the cost of furnishing number plates and mailing same, and for such blanks, books, and other supplies as cannot be furnished by the State Printer, shall be paid for monthly by the Auditor from the revenue derived from fees or taxes that are collected, said expenses shall be approved by the Governor and Council of State, and shall not in the aggregate exceed ten per cent of the total amount collected by the Secretary of State under this act.

REGISTRATION, LICENSING, AND PERMIT FEES

Fees for registration and license of vehicles.

SEC. 28. That the fees for the registration and licensing of vehicles as herein required shall be according to the following schedules:

Rates for automobiles.

RATES FOR AUTOMOBILES

24 h. p. or less	\$12.50 per year
Over 24 h. p., and not more than 30 h. p.	20.00 per year
More than 30 h. p., and less than 35 h. p.	30.00 per year
35 h. p. or more	40.00 per year

Automobiles for hire.

Motor vehicles used for the transportation of passengers for hire shall pay fifty per cent more than the above rates.

Computation of horsepower.

Horsepower shall be computed according to the N. A. C. C. formula of rating for all motor vehicles equipped with internal combustion engines. On motor vehicles operated by steam or electricity the horsepower rating shall be computed according to the rating by the manufacturer of such vehicle.

Vehicles operated by steam or electricity.

RATES FOR MOTOR TRUCKS		Rates for motor trucks.
Trucks with carrying capacity less than 1,000 pounds.....	\$ 12.50	
1,000 pounds and under one ton.....	15.00	
One ton and under two tons.....	25.00	
Two tons and under three tons	75.00	
Three tons and under four tons.....	200.00	
Four tons and over.....	300.00	
On all trailers, \$15 per ton carrying capacity.		Trailers.

MOTORCYCLES

Motorcycles.

\$5 on each motorcycle, and \$5 for each motorcycle side-car.

DEALERS IN MOTOR VEHICLES		Dealers in motor vehicles.
Registration fee and first five plates.....	\$25.00	
Each additional plate.....	1.00	
The fiscal year for the collection of automobile licenses shall terminate June thirtieth. The fee for licenses issued after January first of each year, and before June thirtieth, for the period ending June thirtieth, shall be one-half the annual fee.		Fiscal year. Licenses between 1 January and 30 June. Schedule effective.

The foregoing schedule of license fees on motor vehicles shall become effective July first, one thousand nine hundred and twenty-one, and the present schedule of license fees shall remain in force until said date. The fiscal year for the payment of said license fees shall begin July first of each year.

Beginning of fiscal year.

FEES TO COVER LICENSES, ETC.

SEC. 29. The foregoing fees shall be paid to the Secretary of State at the time of issuance of said registration certificates, permits, or licenses. They shall include all costs of registration, issuance of permits, licenses, and certificates, and the furnishing of registration plates, and shall be in lieu of all other State or local taxes (except ad valorem), registration, or license fees, privilege taxes, or other charges: *Provided, however*, a county, city, or town may charge a license or registration fee on motor vehicles in the sum of one dollar (\$1) per annum: *Provided further*, that no county, city, or town shall charge or collect an additional fee for the privilege of operating a motor vehicle, either as chauffeur's or driver's license: *Provided*, nothing herein shall prevent the governing authorities of any city from regulating, licensing, controlling of chauffeurs and drivers of any such car or vehicle, and charging a reasonable fee: *Provided further*, that any city or town may charge a license not to exceed fifty dollars (\$50) for any motor vehicle used in transporting persons or property for hire in lieu of all other charges, fees, and licenses now charged.

Fees paid to Secretary of State.
Items covered by fee.
Proviso:
Fee of county, city, or town.
Proviso:
No fees as for driver's license.
Proviso:
Cities may regulate, license and control chauffeurs and drivers and charge fee.
Proviso:
City or town license for automobiles for hire.

VIOLATION A MISDEMEANOR

Operating motor vehicles without license misdemeanor.
Punishment.
Maximum weight.

Violation of section misdemeanor.

State Highway Fund.

Vouchers.

SEC. 30. Any person, firm, or corporation that shall operate any motor vehicle upon any highway of the State, without license, as is required under this act, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. No motor or other vehicle or trailer which has a greater rated weight of both vehicle and load exceeding seven and one-half ($7\frac{1}{2}$) tons shall go over or be operated upon any State highway. Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 31. For the purpose of carrying out the provisions of this act the funds collected hereunder shall be kept by the State Treasurer in a separate fund to be known and designated as "State Highway Fund," and all moneys directed to be paid out under this act shall be paid by the State Treasurer upon voucher issued by the State Highway Commission, and charged to the State Highway Fund.

GASOLINE TAX

Definitions.

Motor vehicles.

Motor vehicle fuels.

Dealer.

Dealers in motor vehicle fuels to make monthly reports of purchases and deliveries.

Gallon tax on purchases.

SEC. 32. The following words, terms, and phrases in this section of this act for the purposes hereof are defined as follows:

(a) "Motor vehicles" shall include all vehicles, movable engines, or machines which are operated or propelled by combustion of gasoline, or other volatile and inflammable liquid fuels, and are operated and used for travel on the public highways.

(b) "Motor vehicle fuels" are such fuels known as gasoline, benzine, naptha, liberty fuel, and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles, except the product commonly known as kerosene oil.

(c) The term "dealer" is hereby defined as any person or corporation who has in his, its, or their possession, for sale to the consumer, any gasoline, benzine, naptha, liberty fuel, and such other volatile or inflammable liquids produced or compounded for operating or propelling motor vehicles as herein defined for use, distribution or sale in the State.

SEC. 33. That in addition to the taxes now provided for by law, each and every dealer, as defined in this act, who is now engaged, or who may hereafter engage, in his own name or in the name of others, or in the name of his representatives or agents in this State, in the sale or distribution as dealers or distributors of motor vehicle fuel as herein defined, shall not later than the twentieth day of each calendar month, render a statement to the Secretary of State, showing all motor vehicle fuel purchased for sale and delivered during the preceding calendar month, and pay a license tax of three cents per gallon on all motor vehicle fuel so purchased as shown by such statement in

the manner and within the time aforesaid: *Provided, however,* Proviso:
Payment by
wholesale dealer. that whenever any dealer or distributor of motor vehicle fuel shall show to the satisfaction of the Secretary of State, by complying with such rules and regulations as shall be made by the Secretary of State for that purpose, that the tax hereby provided to be paid by the dealer or distributor of motor vehicle fuel as aforesaid has been voluntarily paid by the wholesale dealer, then and in that event the reports required by this act to be made by such dealer or distributor, and by the wholesale dealer, shall not be required to be made, and the dealer or distributor shall not be required to pay the tax hereby levied.

That every wholesale dealer selling any motor vehicle fuel in the State shall render to the Secretary of State every thirty days a statement of all the sales in the State, which statement shall contain the name and business address of the dealer and the date and amount of such sale. Any wholesale dealer willfully failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. Wholesale dealers
to report sales
monthly.

Failure a misde-
meanor.

Punishment.

SEC. 34. Every dealer in motor vehicle fuel shall render to the Secretary of State, on or before the twentieth day of each month, on forms prescribed, prepared, and furnished by the Secretary of State, a sworn statement of the number of gallons of motor vehicle fuel purchased and sold to be used in motor vehicles as herein defined by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers in the case of a domestic corporation, or by the resident general agent of a foreign corporation, by the managing agent or owner in case of a firm or association, and shall contain an itemized account of the dates and quantities of motor vehicle fuel purchased. Monthly reports
of purchases and
sales.

Report sworn.

Itemized accounts
of purchases.

SEC. 35. Said license tax shall be paid on or before the twentieth day of each month to the Secretary of State, who shall receipt the dealer therefor and promptly turn over to the State Treasurer as other receipts of his office, and the State Treasurer shall place the same to the credit of the "State Highway Fund," to be expended as provided by this act. Tax paid monthly
to Secretary of
State.
Secretary to pay
over to Treasurer.
Credit to State
Highway Fund.

SEC. 36. Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the Secretary of State of all purchases of motor vehicle fuel; such records to include copies of all invoices or bills of all such purchases, and shall at all times during the business hours of the day be subject to inspection by the Secretary of State or his deputies, or such other officers as may be duly authorized by said Secretary of State. Records to be
kept by dealers.

Details.
Inspection of
records.

SEC. 37. Any dealer, association of persons, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a Violation of act
misdemeanor.

Punishment.

fine not to exceed one hundred dollars (\$100), or by imprisonment in the county jail for a period not to exceed six months, or both.

Action for recovery of tax.

SEC. 38. If any person, firm, or corporation shall fail to pay the tax on motor vehicle fuel, due by such person, firm, or corporation under the provisions of this act, within thirty (30) days after such tax shall be due, the State Treasurer shall bring the appropriate action in the courts of the State for the recovery of such tax, and if it shall be found as a fact that such failure to pay was willful on the part of such person, firm, or corporation, judgment shall be rendered against such person, firm, or corporation for double the amount of the tax found to be due, together with cost, and the amount collected shall be placed by the State Treasurer to the "State Highway Fund." All remedies now, or which may hereafter be given by the laws of the State of North Carolina for the collection of taxes, are expressly given herein for the collection of the judgment recovered by the State Treasurer under this section.

Judgment if failure willful.

Collections to credit of Highway Fund.
Remedies for collection of tax.

BOND ISSUE FOR ROAD CONSTRUCTION

Purposes of bond issue.

SEC. 39. That for the purpose of carrying out the provisions of this act, and of enabling the State to avail itself to the fullest extent of all Federal aid funds that are now or may become available for use in the State for road purposes, the State Treasurer is hereby authorized, empowered, and directed to issue and sell serial bonds of the State payable in not less than ten nor more than forty years from the date of issue, and aggregating not more than fifty million dollars (\$50,000,000), to be known, styled, and designated "State of North Carolina Highway Serial Bonds," said bonds to mature at such time or times, not less than ten years nor more than forty years from the date of said bonds, as may be determined and fixed by the Governor and Council of State. Not more than ten million dollars (\$10,000,000) of said bonds may be issued and sold in the year one thousand nine hundred and twenty-one; and not more than ten million dollars (\$10,000,000) of said bonds may be issued and sold in the year one thousand nine hundred and twenty-two; and the balance may be issued and sold at the rate of ten million dollars (\$10,000,000) per annum: *Provided, however,* that if the progress of the work shall be such as to justify it, then, and in that event, more than ten million dollars (\$10,000,000) of the total amount herein authorized may be issued and sold in any one year at the request of the State Highway Commission, and by and with the consent of the Governor and Council of State.

Bond issue directed.

Maturity.

Amount.

Official designation.

Maturity in series.

Amounts annually issued.

Progress: Additional sale authorized by Governor and Council.

An additional issue of fifteen million dollars (\$15,000,000) of bonds is hereby authorized. The said bonds shall be issued in the manner and in accordance with the provisions of said

chapter two of said act as amended, and the proceeds received therefrom shall be used for the purposes in said act prescribed.

SEC. 40. That all of said bonds shall bear interest at a rate to Interest.
be fixed by the Governor and Council of State, but not exceeding
five per cent per annum, and are to be dated the first day of Dates.
January or July, of the year in which the bonds are issued.
Interest on said bonds shall be payable semiannually on the Interest semi-
first day of January and July of each and every year so long as annual.
any portion of said bonds shall remain unpaid; and when sold State Highway
and turned over to the State Treasurer all of said fund to be Fund.
part of the construction fund and known as the "State Highway
Fund."

SEC. 41. That all bonds authorized and issued under this act Bonds coupon or
shall be coupon bonds of the denomination of one hundred dol- registered.
lars (\$100), five hundred dollars (\$500), and one thousand Denominations.
dollars (\$1,000), respectively, or such other denominations as
the State Treasurer may determine, and shall be signed by Authentication.
the Governor and the State Treasurer, and sealed with the
great seal of the State. The coupons thereon may be signed by
the State Treasurer alone, or he may have lithographed, engraved,
or printed thereon a facsimile of his signature. The said bonds
shall be in all other respects in such form as the State Treasurer
may direct. The coupons after maturity shall be receivable in Coupons receiv-
payment of taxes, debts, dues, licenses, fines, and demands due able for State
the State of any kind whatsoever, which shall be expressed on taxes.
the face of the bonds. Before selling the bonds herein authorized Advertisement of
to be issued, the State Treasurer shall advertise the sale and in- sale of bonds.
vite sealed bids in such manner as in his judgment may seem
most effectual to secure the best price. He is authorized to ac- Bids for whole
cept bids for the entire amount of such issue to be sold in any or part of issue.
one year, or any portion thereof, and when the conditions are
equal, he shall give the preference of purchase to the citizens Preference to
of North Carolina; and he is empowered to sell the bonds herein citizens.
authorized in such manner as in his judgment will produce
the best price, but not for less than par and accrued interest, Sale below par
and the full faith, credit, and taxing power of the State are forbidden.
hereby pledged for the payment of the principal and interest Faith, credit, and
of the bonds herein authorized to be issued and sold. All ex- taxing power of
penses necessarily incurred in the preparation and sale of the State pledged.
bonds shall be paid from the proceeds of such sale. Expenses of
preparation and sale of bonds.

SEC. 42. That the said bonds shall be subject to registration as to principal alone, or both principal and interest, in accordance with the provisions of the general law governing registration of the State securities as the same may from time to time be in force.

SEC. 43. The said bonds and coupons and notes issued in antiqi- Exemption from
pation of the sale of the bonds, or for the payment of the interest taxation.

thereon, shall be exempt from all State, county, and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purposes of general revenue or other-interest thereon, or installment or principal, be subject to taxation for incomes, nor shall said bonds and coupons and notes issued in anticipation of sale of the bonds, or for the payment of the interest thereon, or installment or principal, be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

Lawful investment for fiduciaries.

SEC. 44. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally, and all sinking fund commissioners to invest any moneys in their hands in said bonds when such investments are made.

Loans in anticipation of sale of bonds.

SEC. 45. The State Treasurer, by and with the consent of the Governor and Council of State, is hereby authorized to borrow money at the lowest rate of interest obtainable, in anticipation of the sale of the bonds herein authorized, and for the purposes for which said bonds are authorized to be issued. The State Treasurer is hereby further authorized, by and with the consent of the Governor and Council of State, to borrow money at the lowest rate of interest obtainable, for the purpose of paying the interest on, or any installments of the said bonds, in the event that there are not sufficient funds in the State Treasury with which to pay said interest or installments of principal as they respectively fall due. The State Treasurer shall execute and issue notes of the State for the money so borrowed, and he is hereby authorized to renew any such notes from time to time by issuing new notes. The rates of interest, the date of payment of said notes or renewals, and all matters and details in connection with the issuance and sale thereof shall be fixed and determined by the Governor and Council of State. Such notes when issued shall be entitled to all the privileges, immunities and exemptions that the bonds authorized to be issued are entitled to. The full faith, credit and taxing power of the State are hereby pledged for the payment of such notes as may be issued, and all interest thereon. The proceeds received from said notes, other than notes that may be issued to pay interest or installments of principal of the bonds, shall be placed by the State Treasurer in the "State Highway Fund" herein provided for. The notes issued in anticipation of the sale of the bonds shall be paid with funds derived from the sale of bonds, unless otherwise provided for by the General Assembly. The notes issued for the payment of interest shall be paid from the funds collected under this act, as herein provided for, when collected, unless otherwise provided for by the General Assembly.

Loans for payment of interest and installments.

Execution of notes.

Renewal.

Details fixed by Governor and Council.

Notes entitled to exemptions as bonds.

Faith, credit, and taxing power of State pledged.

Proceeds to credit of Highway Fund.

Payment of notes from bond sales.

Notes for payment of interest.

Vouchers for payment from funds.

SEC. 46. The State Highway Commission, under rules and regulations established by the commission, shall have full control

over the funds in the hands of the State Treasurer known as the "State Highway Fund," and the same shall be paid out by the State Treasurer upon proper voucher of the State Highway Commission for carrying out the purposes of this act.

LAW TO BE PUBLISHED

SEC. 47. That the State Highway Commission, as soon as practicable after the ratification of this act, shall have carefully compiled the road laws of this State relating to the State highway system, and shall have published not exceeding 10,000 copies of said compilation to be distributed by said commission, the cost thereof to be paid out of the State Highway Fund. Compilation of road laws to be published.

SEC. 48. All contracts or agreements heretofore made or entered into by the existing Highway Commission as to location and construction of any roads or highways, or for any other purpose, shall be and remain in full force and effect and taken over by the Highway Commission provided for in this act, and all contractors who have entered into any contract with the existing Highway Commission, whether private or municipal, shall carry out such contracts so made and all rights and remedies existing under such contracts by the present Highway Commission or any contractor shall remain in full force and effect. Contracts heretofore made.

MALFEASANCE A FELONY

SEC. 49. Any member of the Highway Commission, or any person employed by the Highway Commission in connection with carrying on the work outlined in this act, who shall knowingly, or fraudently, perform any act with intent to injure the State, or any contractor, or his agent or employee, who shall conspire with a member of the Highway Commission or employee thereof or any State official to permit a violation of the contract or contractor with intent to injure the State, or any agent or employee of any contractor who shall do any work on any State highway in violation of contract, and with intent to defraud the State, and the member of the State Highway Commission employee or State official so conspiring shall each be guilty of a felony, and upon conviction thereof, shall be confined in the State Prison not less than one year and not more than five years, and be liable to the State in a civil action instituted by the State on relation of the State Highway Commission, for double the amount the State may have lost by reason thereof. Acts declared felonies. Punishment. Liability in civil actions.

SEC. 50. The board of county commissioners or other road-governing bodies of the various counties in the State are hereby relieved of all responsibility or liability for the upkeep or maintenance of any of the roads or bridges thereon constituting the State highway system, after the same shall have been taken over, Responsibility of counties devolved.

Liability of State Highway Commission.

Declaration of unconstitutionality of part of act not to affect remainder.

Repealing clause. Law excepted from repeal.

Continuation of present commission. Further action authorized.

Contracts to be taken over.

When act effective.

and the control thereof assumed by the State Highway Commission, and the State Highway Commission both as a commission and the individual members thereof, shall not be liable for any damage sustained by any person, firm, or corporation on the said State highway system, except for wanton and corrupt negligence.

SEC. 51. That if any provision of this act shall be declared by the courts unconstitutional, such declaration shall not affect the validity of any of the remaining provisions of this act.

SEC. 52. All laws and clauses of laws in conflict with the provisions of this act, except chapter 64 of the Public Laws of the Extra Session of the General Assembly of nineteen twenty, are to the extent of such conflict hereby repealed.

SEC. 53. Until the organization of the State Highway Commission provided for in this act the present existing State Highway Commission shall continue in effect and be authorized to act pursuant to chapter 189, Public Laws of nineteen nineteen and all other laws in force at this time relating to the State Highway Commission, and to enter into contracts, which, together with all existing contracts, shall be taken over by the State Highway Commission created by this act, and in all other respects this act shall be in force from and after the date of its ratification.

Ratified this the 5th day of March, A. D. 1923.

An act to require every person driving any motor vehicle on a public highway on approaching railroad grade crossings to stop, look, and listen before passing thereover.

The General Assembly of North Carolina do enact:

SECTION 1. That no person operating any motor vehicle upon a public road shall cross, or attempt to cross, any railroad or interurban track intersecting the road at grade other than a crossing at which there is a gate or a watchman (except an electric railway track in a city, town, or village) without first bringing said motor vehicle to a full stop at a distance not exceeding fifty (50) feet from the nearest rail. That no failure so to stop, however, shall be considered contributory negligence *per se* in any action against the railroad or interurban company for injury to person or property; but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether the plaintiff was guilty of contributory negligence.

SEC. 2. That every railroad or interurban company operating or leasing any track intersecting a public road at grade shall place a sign-board not less than ten feet from the ground, on the right side of the road, forty inches by fifty inches, one hundred feet from said crossing, which shall be painted with red lettering, to insure warning of the proximity of the crossing and notice to stop said motor vehicle, with the following: "N. C. Law. Stop!": *Provided*, this act shall not interfere with the regulations prescribed by towns and cities.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars, or imprisoned not more than ten days, or both, in the discretion of the court.

SEC. 4. That this act shall be in force from and after the first day of July, one thousand nine hundred and twenty-three.

In the General Assembly, read three times and ratified this the 6th day of March, 1923.

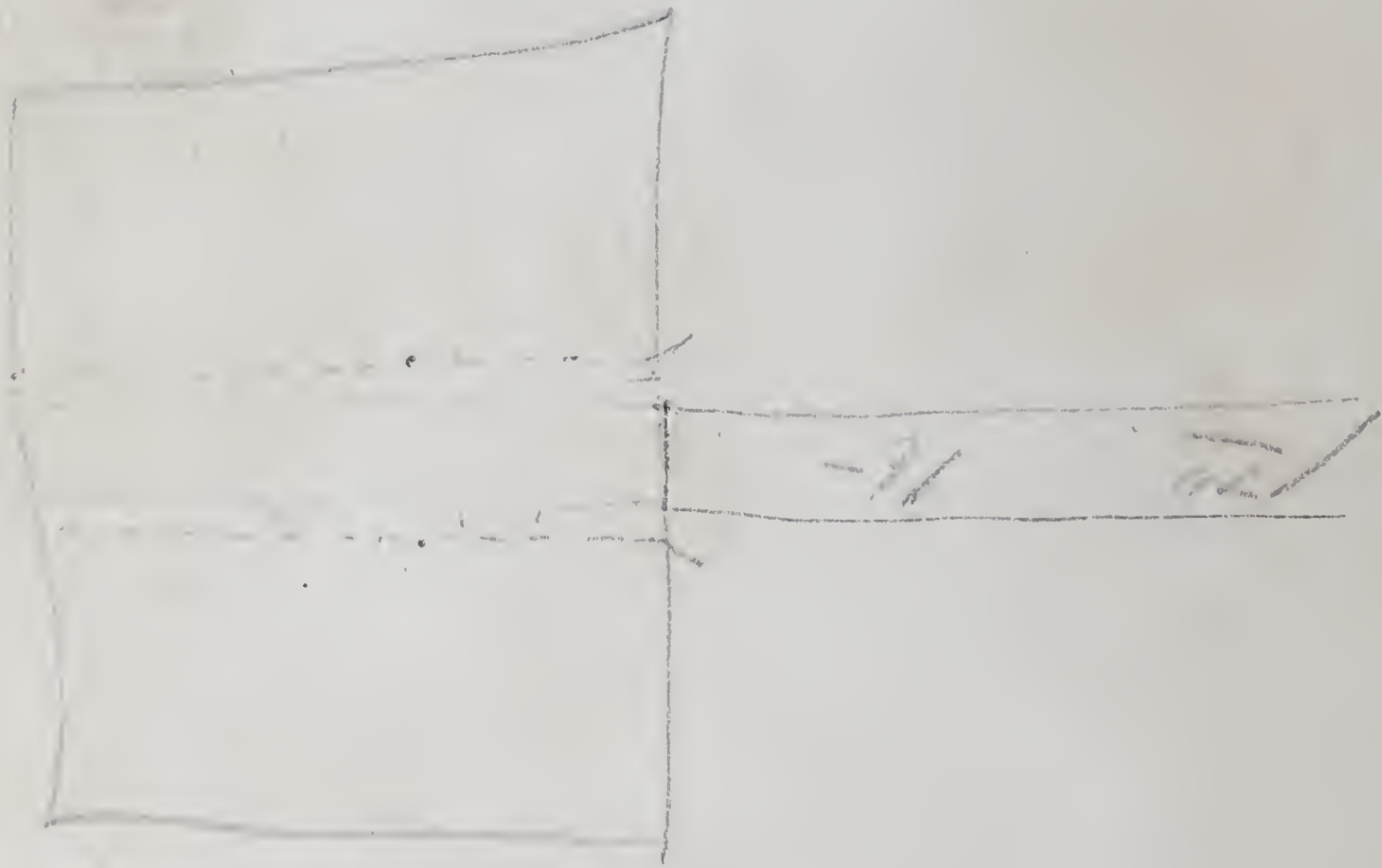
(Signed) W. B. COOPER,
President of the Senate.

(Signed) JOHN G. DAWSON,
Speaker of the House of Representatives.

Examined and found correct:

(Signed) W. R. VAUGHAN,
For Committee.

10/11/01
C. D. 10/11/01



UNIVERSITY OF N.C. AT CHAPEL HILL



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